

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

NEW PRIORITY DATE:

Date of filing in State Engineer's Office JAN 21 1997 ~~JAN 21 1997~~ DEC 13 2005
 Returned to applicant for correction _____
 Corrected application filed _____
 Map filed JAN 21 1997

The applicant **CMC STEEL FABRICATORS, INC.**, hereby make application for permission to change the **A PORTION OF PLACE OF USE AND A PORTION OF THE POINT OF DIVERSION** of water heretofore appropriated under **PERMIT #55015**

1. The source of water is **UNDERGROUND**
2. The amount of water to be changed **1.604 MILLION GALLONS ANNUALLY**
3. The water to be used for **COMMERCIAL AND DOMESTIC USE**
4. The water heretofore permitted for **NO CHANGE IN MANNER OF USE**
5. The water is to be diverted at the following point **Located within the NW¼-SE¼ Section 14, Township 19N, Range 27E. M.D.B.&M. from a point that bears N 50°26'42" E a distance of 1958.14 feet to the E¼ corner of said Section 14.**
6. The existing permitted point of diversion is located within **Located within the SE¼-SE¼ Section 14, Township 19N. Range 27E. M.D.B.&M. from a point that N 08°27'46" E a distance of 1958.50 feet to the E¼ corner of said Sec. Section 14.**
7. Proposed place of use **43.04 acres located within the NW¼-SE¼ and the SW¼-SE¼ of Section 14, Township 19N. Range 27 East, M.D.B.&M.**
8. Existing place of use **110.0 acres located within the NE¼-SE¼, NW¼-SE¼, SE¼-SE¼ and the SW¼-SE¼ of Section 14, Township 19 North, Range 27 East M.D.B.&M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled & cased well; pump filter system storage tank and distribution system**
12. Estimated cost of works **in excess of \$400,000.00**
13. Estimated time required to construct works **One Year**
14. Estimated time required to complete the application of water to beneficial use **Five Years**
15. Remarks: **SEE EXHIBIT "A"**

By **s/Barry A. Fitzpatrick**
Barry A. Fitzpatrick
137 Keddie Street
Fallon, NV 89406

Compared **cms/bk** **cl/cms**

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 55015 is issued subject to the terms and conditions imposed in said Permit 55015 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.035 cubic feet per second, but not to exceed 1.604 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 15, 1998

Proof of completion of work shall be filed before:

May 15, 1998

Application of water to beneficial use shall be filed on or before:

April 15, 2001

Proof of the application of water to beneficial use shall be filed on or before:

May 15, 2001

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 15th day of April, A.D. 1997

R. Michael Turnipseed P.E.

State Engineer

Completion of work filed MAY 13 1998

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

~~CANCELLED JAN 30 2006 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~
~~CANCELLED JUL 07 2008 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~
~~STATE ENGINEER~~ ~~STATE ENGINEER~~

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TO CHANGE APPLICATION: PERMIT #55015
FILED THE 21st DAY OF JANUARY, 1997

EXHIBIT "A"

15. This application is filed for the reason that a portion of the real property (equal to 43.04 acres/39.13%) to which Permit #55015 is appurtenant has been legally parceled pursuant to N.R.S. Chapter 278 and conveyed to CMC Steel Fabricators Inc., ("CMC Steel"). Said 43.04 acre parcel of real property is identified as: Parcel 1 of the Parcel Map for Harold L. And Patricia L. Woolery recorded December 12, 1996 under file no. 302457, Official Records of Churchill County, Nevada. The conveyance to CMC Steel was, by Grant, Bargain and Sale Deed, recorded on December 19, 1996 in the Official Records of Churchill County, Nevada under file no. 302625, and evidence of said conveyance was filed by a Report of Conveyance of Title with the State Engineer's Office on January 10, 1997.

CMC Steel, makes this application for the purpose of having the State Engineer's Office recognize CMC Steel's ownership of that portion of Permit #55015 appurtenant to said Parcel 1 and to enable CMC Steel to drill its own well at a new point of diversion on Parcel 1 for its appurtenant Permit #55015 water rights.